



CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 09/14/06
AGENDA ITEM 2

TO: Planning Commission

FROM: Arlynn J. Camire, AICP, Associate Planner

SUBJECT: Text Amendment No. PL-2006-0361-Text Change Removing Tattoo Parlor as a Conditional Use in the Central City-Commercial and Central City-Plaza Subdistricts

RECOMMENDATION:

It is recommended that the Planning Commission recommend that the City Council adopt the Negative Declaration and the attached ordinance amending the Central City-Commercial and Central City-Plaza Subdistricts removing Tattoo Parlor as a conditional use, subject to the attached findings.

DISCUSSION:

Tattoo parlors are permitted in the Central City-Commercial Subdistrict and above the first floor in the Central City-Plaza Subdistrict with the approval of a conditional use permit. To assure that a variety of businesses locate Downtown, fulfilling City economic development goals and policies, conditional approval is required of certain uses to assure that the proposed uses meet a community need, and to assure that all uses are in harmony with the area and with City policies.

The purpose of the Central City subdistricts is to, "*establish a mix of business and other activities that will enhance the economic vitality of the downtown area.*" The City Council determined that the number of, and the interest in, tattoo establishments is growing in downtown Hayward, and that a proliferation would deter the opportunity for a diversity of new businesses resulting in revitalization of downtown Hayward. Therefore, the City Council directed staff to prepare a text amendment that would amend the Zoning Ordinance removing Tattoo Parlor as a conditional use from these Downtown zoning subdistricts.

Background

At its meeting of November 17, 2005, the Planning Commission denied (4:3:0) an application for a conditional use permit to operate a tattoo establishment at a retail/office complex on Foothill Boulevard between A and B Streets within the Central City-Commercial (CC-C) Subdistrict.

The majority of the Planning Commissioners were of the opinion that, while tattoo establishments add diversity to the community, the community need is already being met in the Downtown area and elsewhere in the City, and that the present community need in Downtown is for more diverse retail uses. The applicant appealed the decision to the City Council. At its meeting of January 10, 2006, the City Council upheld the Planning Commission decision stating that there is a need for diverse retail in downtown Hayward and that Council found that this type of business would impair the character and integrity of the adjacent commercial businesses in that it would not be conducive to encouraging pedestrian activity (Attachment D). In addition, they found that it would not help establish a mix of business that would enhance the economic vitality of the downtown area.

There are currently five approved and licensed tattoo establishments in the City (Attachment E). Two establishments are downtown: Russell City Tattoo & Piercing over the Eden Jewelry & Loan Company at Mission Boulevard and B Street; and PinPoint Tattoos, on Second Street between A and B Streets. Under the proposal, these two establishments would become legal non-conforming uses. The other three establishments are distributed throughout the City: Peter's Skin Art Tattooing at 381 Jackson Street; Secret Sidewalk at 27655 Mission Boulevard; and Twisted Illusions at 555 West Tennyson Road.

Tattoo Parlors would remain as conditional use in the General Commercial (CG), Neighborhood Commercial (CN) and Neighborhood Commercial-Residential (CN-R) zoning districts. Generally, these zoning districts are located throughout the city (Attachment E) including the northerly portion of Foothill Boulevard, the A Street corridor, Jackson Street, Hesperian Boulevard, Harder Road, the Tennyson Road corridor, and Mission Boulevard.

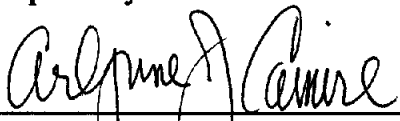
ENVIRONMENTAL REVIEW:

An Initial Study and Negative Declaration have been prepared pursuant to the California Environmental Quality Act (CEQA) guidelines. The Initial Study has determined that the proposed project could not result in significant effects on the environment.

PUBLIC NOTICE:

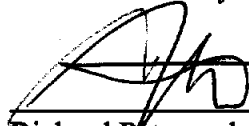
On August 25, 2006, an Official Notice announcing the 20 day review period of the proposed Negative Declaration and notification of the Planning Commission public hearing was sent to the business owners of approved tattoo parlors and the Chamber of Commerce and published in The Daily Review.

Prepared by:



Arlynn J. Camire, AICP
Associate Planner

Recommended by:



Richard Batenaude, AICP
Principal Planner

Attachments:

- A. Findings for Approval
- B. Draft Negative Declaration and Environmental Checklist
- C. Proposed Text Amendment
- D. Hayward City Council Resolution 06-002
- E. Map of Tattoo Establishments

FINDINGS FOR APPROVAL
Text Amendment Application No. PI-2006-0361
City of Hayward

**Request to Amend the Zoning Ordinance Relative to Remove Tattoo Parlor
as a Conditional Use in the Central City-Commercial and Central City-
Plaza Subdistricts**

- A. Approval of Text Change Application No. 2006-0361 would not cause a significant impact on the environment as documented in the Initial Study and the Negative Declaration prepared per the California Environmental Quality Act Guidelines;
- B. Substantial proof exists that the proposed changes will promote the public health, safety, convenience and general welfare of the residents of Hayward in that the text changes are designed to support the establishment of a mix of business that would enhance the economic vitality of the downtown area. Furthermore, the proposed text amendment would remove a use that is not conducive to encouraging pedestrian activity in the Downtown Core;
- C. The proposed change is in conformance with the purposes of the Zoning ordinance and all applicable, officially adopted policies and plans in that the removal of tattoo parlor from the Central City Subdistricts would allow the purpose of the Central City Subdistricts to be met which is *"establish a mix of business and other activities that will enhance the economic vitality of the downtown area;"*
- D. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the amendment is adopted in that the Off-Street Parking Regulations will not only provide specific requirements with regard to number of parking spaces required for uses that businesses that will locate within the Downtown in locations that might have been occupied by tattoo parlors; and
- E. All uses permitted when the amendment is adopted will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations in that the removal of the use of tattoo parlor within the Downtown will remove a use that does not promote pedestrian activity thereby increasing the likelihood of the establishment and operation of pedestrian oriented businesses within the Downtown.



CITY OF HAYWARD NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that this project could not have a significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. PROJECT DESCRIPTION:

Text Amendment No. PL-2006-0361- Initiated by the Planning Director – An amendment to the City of Hayward Zoning Ordinance, to remove Section 10-1.1523 b. Conditional Uses (3) Personal Services (b)Tattoo parlor and Section 10-1.1543 b. Conditional Uses (3) Personal Services (b) Tattoo parlor (Above first floor only).

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

The proposed project could not have a significant effect on the environment.

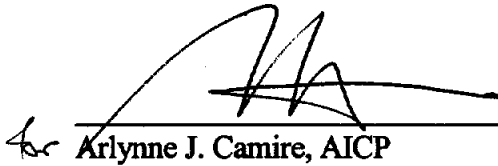
FINDINGS SUPPORTING DECLARATION:

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment.
2. The project would not adversely affect any scenic resources or critical habitat as the text amendment would not directly lead to any development.
3. The project would not result in significant impacts related to changes in air quality as the project would not directly lead to any development.
4. The project would not result in significant impacts to biological resources such as wildlife and wetlands since this the text amendment would not directly lead to any development.
5. The project will not result in significant impacts to cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains since this the text amendment would not directly lead to any development.
6. The project would not result in a significant impact in regard to seismic hazards as the project would not directly lead to any development.
7. The project is not inconsistent with the General Plan policies of the City of Hayward.
8. The project would not result in a significant impact to recreational facilities and parks as the project would not directly lead to any development. *The text amendment is consistent with the General Plan, which seeks to "employ sound planning principles*

to promote a balance of land uses and achieve a vibrant urban development pattern that enhances the character of the city."

9. The project would not result in a significant impact to public services as the intent of the text amendment since a conditional use of tattoo parlor would be removed from the zoning districts within Downtown Hayward.

III. PERSON WHO PREPARED INITIAL STUDY:



Arlynne J. Camire, AICP

Dated: August 14, 2006

IV. COPY OF INITIAL STUDY (ENVIRONMENTAL CHECKLIST) IS ATTACHED

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4206 or e-mail arlynne.camire@hayward-ca.gov.

DISTRIBUTION/POSTING

- Provide copies to all organizations and individuals requesting it in writing.
- Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.
- Project file.
- Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing. Provide copy to the Alameda County Clerk's Office.



Environmental Checklist Form

1. Project title: **Text Amendment No. PL-2006-0361**
2. Lead agency name and address:
City of Hayward, 777 B Street, Hayward, CA 94541
3. Contact person:
Arlynn J. Camire, AICP, Associate Planner, (510) 583-4206, arlynn.camire@hayward-ca.gov
5. Project sponsor: Planning Director, City of Hayward
6. General plan Designation: N/A 7. Zoning: N/A
8. Description of project: An amendment to the City of Hayward Zoning Ordinance to remove Section 10-1.1523 b. Conditional Uses (3) Personal Services(b)Tattoo parlor and Section 10-1.1543 b. Conditional Uses (3) Personal Services (b) Tattoo parlor (Above first floor only).
9. Surrounding land uses and setting: Central City-Commercial Subdistrict and Central City-Plaza Subdistrict. Retail, Commercial, Administrative Offices located in Downtown Hayward (See attached Map)
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.) None

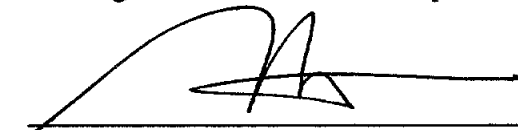
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: On the basis of this initial evaluation:

- ☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

Date: August 14, 2006

for Arlynn J. Camire, AICP, Associate Planner

Printed Name

City of Hayward

Agency

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? <i>Comment: The text amendment would not affect any scenic vista.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? <i>Comment: The text amendment would not damage scenic resources.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? <i>Comment: The text amendment will not detrimentally affect the visual character or quality of any project site in the City of Hayward.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? <i>Comment: The text amendment would not create a substantial source of light or glare.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the text amendment:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? <i>Comment: The text amendment would not affect farmland.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? <i>Comment: See II.a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? <i>Comment: See II.a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the text amendment:

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Comment: The text amendment would not obstruct the implementation of any air quality plan.

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| b) Violate any air quality standard or contribute substantially to an existing or text amendment air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Comments: The text amendment would not negatively affect air quality.

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| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the text amendment region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Comment: See III.b.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Comment: See III.b.

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| e) Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Comment: The See III.b.

IV. BIOLOGICAL RESOURCES -- Would the text amendment:

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| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Comment: The text amendment would not adversely affect biological resources.

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| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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Comment: See IV.a.

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| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
<i>Comment: See IV.a.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
<i>Comment: See IV.a.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
<i>Comment: See IV.a.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?
<i>Comment: See IV.a.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

V. CULTURAL RESOURCES -- Would the text amendment:

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?
<i>Comment: The text amendment will not adversely affect historical resources.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
<i>Comment: See V.a.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
<i>Comment: See V.a.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries?
<i>Comment: See V.a.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

VI. GEOLOGY AND SOILS -- Would the project:

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. <i>Comment: The text amendment would not in itself expose people or structures to potential adverse effects of fault rupture.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking? <i>Comment: The text amendment would not in itself expose people or structures to potential adverse effects of seismic ground shaking.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? <i>Comment: The text amendment would not in itself expose people or structures to potential adverse effects of liquefaction.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? <i>Comment: The text amendment would not in itself expose people or structures to potential adverse effects of landslides.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? <i>Comment: The text amendment would not in itself result in substantial erosion or the loss of topsoil.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? <i>Comment: The text amendment would not in itself affect sites on unstable soils or geologic units.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? <i>Comment: The text amendment would not in itself affect sites on unstable soils or geologic units.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? <i>Comment: There is a sewer and stormwater system in place in the City of Hayward. Septic tanks or alternative wastewater disposal systems are not necessary.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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VII. HAZARDS AND HAZARDOUS MATERIALS - Would the text amendment:

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: The text amendment would not create a need for the transport, use or disposal of hazardous materials.</i> | | | | |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: See VII. a.</i> | | | | |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: See VII. a.</i> | | | | |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: The text amendment would not in itself involve any site included on a list of hazardous materials sites.</i> | | | | |
| e) For a text amendment located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: This text amendment would not in itself involve any site located within an airport plan area or within two-miles of the Hayward Air Terminal.</i> | | | | |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: See VII. e.</i> | | | | |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i>Comment: The text amendment would not interfere with any adopted emergency response or evacuation plan.</i> | | | | |

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| g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> The text amendment in itself would not affect any wildland site. | | | | |

VIII. HYDROLOGY AND WATER QUALITY -- Would the text amendment:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> The text amendment would not lead to violation of any water quality standards or waste discharge requirements. | | | | |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> The text amendment would not result in the depletion of ground water supplies. | | | | |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> The text amendment would not result in substantial erosion or siltation on-or off-site. | | | | |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> The text amendment would not affect drainage patterns and would not cause flooding. | | | | |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> The text amendment would not have any affect on stormwater drainage. | | | | |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> See VIII. a. | | | | |

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? <i>Comment: The text amendment would not create housing or any structures.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? <i>Comment: See VIII. g.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? <i>Comment: See VIII. g.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? <i>Comment: The text amendment does not involve a specific location.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. LAND USE AND PLANNING - Would the project;

a) Physically divide an established community? <i>Comment: The text amendment would not result in any barriers that would divide a community.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? <i>Comment: The text amendment is consistent with the General Plan, which seeks to "employ sound planning principles to promote a balance of land uses and achieve a vibrant urban development pattern that enhances the character of the city."</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? <i>Comment: The text amendment would not result in a physical development that would conflict with any applicable habitat conservation plan or natural community conservation plan.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

X. MINERAL RESOURCES – Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? <i>Comment: The text amendment would not affect mineral resources.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment: See X. a.

XI. NOISE - Would the project result in:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The text amendment would produce no noise.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The text amendment would not cause the exposure of persons to noise or vibration.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) A substantial permanent increase in ambient noise levels in the text amendment vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: See XI. a.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: See XI. a.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: See XI.a. The project does not involve a specific site.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: See XI.a. The project does not involve a specific site.

XII. POPULATION AND HOUSING -- Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The text amendment would not result in specific development.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: See XII. a.

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| b) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> See XII. a. | | | | |

XIII. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> The proposed text amendment will have no effect upon, government services, including fire and police protection, maintenance of public facilities, including roads, and in other government services. | | | | |
| b) Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> See XIII.a. | | | | |
| c) Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> See XIII. a. | | | | |
| d) Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> See XIII. a. | | | | |
| e) Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> No other public facilities would be significantly impacted. | | | | |

XIV. RECREATION --

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> The text amendment would have no negative effect on parks or recreational facilities. | | | | |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <u>Comment:</u> See XIV. a. | | | | |

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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XV. TRANSPORTATION/TRAFFIC -- Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The text amendment would have no affect on traffic of any kind.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: See XV. a.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: See XV. a.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: See XV. a.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The text amendment would not affect emergency access.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The text amendment would not affect parking.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The text amendment would not conflict with adopted policies supporting alternative transportation.

XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: The text amendment would not create wastewater.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Comment: See XVI. a.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? <i><u>Comment:</u> The text amendment would not affect storm water drainage.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? <i><u>Comment:</u> The text amendment would have no effect on water supplies.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider, which serves or may serve the text amendment that it has adequate capacity to serve the project's demand in addition to the provider's existing commitments? <i><u>Comment:</u> See XVI. a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? <i><u>Comment:</u> The text amendment would not create solid waste.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste? <i><u>Comment:</u> See XVI.f.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVII. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a text amendment are considerable when viewed in connection with the effects of past text amendments, the effects of other current text amendments, and the effects of probable future text amendments)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SEC. 10-1.1520 CENTRAL CITY - COMMERCIAL SUBDISTRICT (CC-C)

SEC. 10-1.1523 CC-C CONDITIONALLY PERMITTED USES.

- b. **Conditional Uses.** The following uses are, or uses determined to be similar by the Planning Director, are permitted in the CC-C Subdistrict subject to the approval of a conditional use permit:
- (1) **Administrative and Professional Offices/Services.**
Check cashing store.
 - (2) **Automobile Related Uses.** (Refer to Section 10-1.1045h. for special requirements.)
 - (a) Automobile sales and rental.
 - (b) Automobile repair (minor and major).
 - (c) Automobile service station.
 - (d) Automobile storage facility. (See definitions)
 - (e) Car wash. Drive-in establishments.
 - (3) **Personal Services.**
 - (a) Massage parlor. (When not ancillary to a primary use, such as a beauty shop)
 - (b) ~~Tattoo parlor.~~
 - (4) **Residential Uses.**
Multiple-family dwelling. (With dwelling units on first floor)
 - (5) **Retail Commercial Uses.** (See General Regulations Section 10-1.2735b. for regulations of alcohol.)
 - (a) Bar, cocktail lounge.
 - (b) Dance or nightclub.
 - (c) Convenience market.
 - (d) Liquor store.
 - (e) Pawn shop.
 - (f) Theater, Large Motion Picture. (Located outside area between A and D Streets and Grand and Second Streets. See Sec. 10-1045 for special requirements)
 - (6) **Service Commercial Uses.**
Hotel or motel.
 - (7) **Other Uses.**
 - (a) Auctions.
 - (b) Banquet hall. (Where alcohol is served. See General Regulations, Section 10-1.2735b. for regulations of alcohol)

(c) Card club.

(Subject to Regulations in Chapter 4, Article 3 of the Hayward Municipal Code, "Card Club Regulations")

(d) Catering facility.

(Where alcohol is served. See General Regulations Section 10-1.2735b. for regulations of alcohol)

SEC. 10-1.1540 CENTRAL CITY - PLAZA SUBDISTRICT (CC-P)

SEC. 10-1.1543 CC-P CONDITIONALLY PERMITTED USES.

- b. **Conditional Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the CC-P Subdistrict subject to approval of a conditional use permit:

- (1) **Administrative and Professional Offices/Services.**
Check cashing store. (First floor only)
- (2) **Automobile Related Uses.**
Parking lot or parking structure. (Above first floor only)
- (3) **Personal Services.**
(a) Massage parlor. (Above first floor only)
(b) ~~Tattoo parlor.~~ ~~(Above first floor only)~~
- (4) **Residential Uses.**
None.
- (5) **Retail Commercial Uses.** (See General Regulations Section 10-1.2735b. for regulations of alcohol.)
(a) Bar, cocktail lounge.
(b) Dance or night club.
(c) Convenience market.
(d) Liquor store.
- (6) **Service Commercial Uses.**
Hotel or motel. (Above first floor only)
- (7) **Other Uses.**
(a) Auctions. (Above first floor only)
(b) Banquet hall.
(c) Catering facility.
(d) Commercial amusement facility.
(e) Cultural facility.
(f) Educational facility.
(g) Hospital, convalescent home. (Above first floor only)
(h) Recreational facility.
(i) Religious facility. (Above first floor only)

HAYWARD CITY COUNCIL

RESOLUTION NO. 06-002

Introduced by Council Member Dowling

**RESOLUTION DENYING THE APPEAL AND UPHOLDING
THE PLANNING COMMISSION'S DENIAL OF USE PERMIT
NO. PL-2005-0557**

WHEREAS, Corey and Kelly Hensley (Applicant) and Raj Chabra (Owner) have applied for Use Permit No. PL-2005-0557, which concerns a request to operate a tattoo and piercing establishment at a retail/office complex located at 22540 Foothill Boulevard, Unit A; and

WHEREAS, at its meeting of November 18, 2005, the Planning Commission denied the project; and

WHEREAS, the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to section 15301, Existing Facilities; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines:

- 1. The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301, Existing Facilities.**
- 2. The tattoo and piercing parlor is not desirable for the public convenience or welfare in that tattoo and piercing services exist in the downtown meeting the body adornment needs of residents and customers, since two existing tattoo parlor establishments, located at 22636 Mission Boulevard and 22431 Foothill Boulevard, are within approximately 1,000 feet of the proposed establishment.**
- 3. An additional tattoo and piercing parlor will impair the character and integrity of the adjacent commercial businesses, located in the City's Downtown Redevelopment Project area, and zoning district, in that the use would not be conducive to encouraging pedestrian activity and a varied retail climate, such as would the proposed Cinema Place project located across Foothill Boulevard, since tattoo parlors typically operate by appointments only and have limited or no business associated with pedestrian activity.**

4. The tattoo and piercing parlor will not be in harmony with applicable City policies of the Zoning Ordinance and General Plan in that the services provided by such use will not help to establish a mix of business and other activities that will enhance the economic vitality of the Downtown area, in that there are already two tattoo establishments in the Downtown that provide similar services.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the appeal of the Planning Commission's denial of Use Permit No. PL 2005-0557, is denied, and the Planning Commission's denial of the project is upheld.

IN COUNCIL, HAYWARD, CALIFORNIA January 10, 2006

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: Jimenez, Dowling, Henson

MAYOR: Cooper

NOES: COUNCIL MEMBERS: Quirk, Halliday

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Ward

ATTEST: Angelina Reyes
City Clerk of the City of Hayward

APPROVED AS TO FORM:

M. O'Neil
City Attorney of the City of Hayward

